

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

OF THE 10th CIRCUIT IN NEW MEXICO

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4 UNITED STATES OF AMERICA
5 (PLAINTIFF)

Y MITCHELL R. ELFERS
6 DATE: CLERK wmp

7 VS~ CASE # 1:19-CR-77-JB
8
9 MICHAEL J. NISSEN
10 (DEFENDANT)

11
12 MOTION FOR LEAVE TO AMEND BY ADDENDUM

13
14 GREETINGS,

15
16 NOW COMES THE DEFENDANT, MICHAEL J. NISSEN,
17 HEREINAFTER IN THE ABOVE ENTITLED ACTION, RESPECTFULLY
18 MOVES THE HONORABLE COURT ON A MOTION FOR LEAVE
19 TO AMEND BY ADDENDUM.

20
21 THE DEFENDANT WISHES TO SEEK AN ADDENDUM
22 TO DEFENDANT'S DECLARATION IN SUPPORT OF MOTIONS
23 TO DISMISS ET AL... ON PAGE FOUR LINE SEVENTEEN
24 OF DECLARATION, DEFENDANT WISHES TO INSERT,
25 [4 U.S.C. § 116 - 126] "MOBILE TELECOMMUNICATIONS
26 SOURCING ACT" DEFINITION AS FOLLOWS: "PRIMARY
27 USE IS IN NEW MEXICO IF: 1) THE MOBILE
28 TELECOMMUNICATIONS SERVICES ORIGINATE,

1 AND TERMINATE IN THE SAME STATE, REGARDLESS, OF
2 WHERE THE SERVICE ORIGINATE, TERMINATE, OR PASS
3 THROUGH. "HOME SERVICE PROVIDER," "MOBILE
4 TELECOMMUNICATIONS SERVICES," "CUSTOMER," AND
5 "PLACE OF PRIMARY USE," HAVE THE MEANING GIVEN
6 IN THE FEDERAL "MOBILE TELECOMMUNICATIONS
7 Sourcing ACT." SECTION [4 U.S.C. § 125], "IF A
8 COURT OF COMPETENT JURISDICTION ENTERS A
9 FINAL JUDGEMENT ON THE MERITS THAT, 1) ARE
10 BASED ON FEDERAL LAW, AND 2) IS NO LONGER
11 SUBJECT TO APPEAL; AND 3) SUBSTANTIALLY LIMITS
12 OR IMPAIRS THE ESSENTIAL ELEMENTS OF
13 SECTION 116 THROUGH 126 OF THIS TITLE, THEN
14 SECTION 116 THROUGH 126 OF THIS TITLE ARE
15 INVALID AND HAVE NO LEGAL EFFECT AS OF
16 THE DATE OF ENTRY OF SUCH JUDGEMENT."

17 IN CONTINUENCE TO [47 U.S.C. § 153]
18 "COMMON CARRIERS," OR CARRIER MEANS ANY PERSON
19 ENGAGED AS A COMMON CARRIER FOR HIRE,
20 IN "INTERSTATE" OR "FOREIGN" COMMUNICATION
21 BY WIRE OR RADIO OR "INTERSTATE" OR "FOREIGN"
22 RADIO TRANSMISSION OF ENERGY, EXCEPT WHERE
23 REFERENCE IS MADE TO COMMON CARRIER NOT
24 SUBJECT TO THIS CHAPTER IN TITLE 11 OF THE
25 FCA. CONGRESS FURTHER PROVIDED THAT ALL
26 CHARGES FOR COMMUNICATION SERVICES "SHALL
27 BE JUST AND REASONABLE AND ANY SUCH CHARGE,
28 PRACTICE, CLASSIFICATION, OR "REGULATION", THAT IS

1 SUBJECT OR UNREASONABLE IS HEREBY DECLARED TO
2 BE "UNLAWFUL". HENCE, BY ENACTING TITLE II OF THE
3 FCA, CONGRESS IS UNLAWFUL.

4 ALL CHARGES, PRACTICES, CLASSIFICATIONS
5 AND "REGULATIONS" FOR AND IN CONNECTION WITH SUCH
6 COMMUNICATIONS SERVICE, SHALL BE JUST AND
7 REASONABLE, AND ANY SUCH CHARGE, PRACTICE,
8 CLASSIFICATION, OR "REGULATION" THAT IS UNJUST
9 OR UNREASONABLE IS HEREBY DECLARED TO BE
10 "UNLAWFUL": PROVIDED, THAT COMMUNICATIONS
11 BY WIRE OR RADIO SUBJECT TO THIS ACT MAY BE
12 CLASSIFIED INTO DAY, NIGHT, REPEATED, UNREPEATED,
13 LETTER, COMMERCIAL PRESS, GOVERNMENT AND SUCH
14 OTHER CLASSES ET AL...

15 WHEREFORE, THE DEFENDANT PRAYS FOR
16 AN ORDER OF THE COURT FOR COMPLETE DISMISSAL
17 OF COUNTS I AND II OF THIS INFORMATION AND
18 GRANT SUCH FURTHER RELIEF AS THE COURTS DEEM
19 JUST AND PROPER IN THE INTEREST OF JUSTICE
20 AND IN ACCORDANCE WITH THE SUPREME LAW OF
21 THE LAND TO WIT THE UNITED STATES CONSTITUTION
22 INCLUDING ITS ARTICLES AND AMENDMENTS AND
23 MAY GOD BLESS AMERICA.

24
25
26
27
RESPECTFULLY SUBMITTED,
Michael J. Nissen

MICHAEL J. NISSEN
(DEFENDANT)

28 OFFICIAL SEAL
Stephanie Woodard
NOTARY PUBLIC-State of New Mexico



29 St. Michael J. Nissen

My Commission Expires 10/22/2023

30 Pg 3 of 3

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

ATTORNEY OR DEFENDANT WITHOUT ATTORNEY (NAME, ADDRESS)
MICHAEL J. NISSEN
K02508151
P.O. BOX 3540
CORE CIVIL CORRECTIONS CENTER
MILAN, NM 87021

RESERVED FOR CLERKS
JAN 15 2020 MPMITCHELL R. ELFERS
CLERK GND

UNITED STATES DISTRICT COURT
ATTN: HONORABLE JAMES O' BROWNING
333 LOMAS BLVD, NW
ALBUQUERQUE, NM 87102

DEFENDANT: MICHAEL J. NISSEN 03/08/1965

PROOF OF SERVICE BY MAIL

CASE #
1:19-CR-77-JB

- 1) I AM OVER THE AGE OF 18 AND NOT A PARTY TO THIS ACTION.
- 2) I SERVED THE FOLLOWING: MOTION FOR LEAVE TO AMEND
BY ADDENDUM
- 3) I SERVED A COPY OF THE DOCUMENTS ON 01/14/2020 AS FOLLO
 BY MAIL; I SERVED THE DOCUMENTS BY ENCLOSING THEM IN
AN ENVELOPE AND DEPOSITING THE SEALED ENVELOPE WITH
THE UNITED STATES POSTAL SERVICE WITH THE POSTAGE FULL
PREPAID TO THE ADDRESS SHOWN BELOW:

UNITED STATES DISTRICT COURT
ATTN: HONORABLE JAMES O' BROWNING
333 LOMAS BLVD, NW
ALBUQUERQUE, NM 87102

- 4) I AM:

- NOT A REGISTERED NEW MEXICO PROCESS SERVER.
- 5) MY NAME, ADDRESS, TELEPHONE NUMBER

PAUL G. CARRILLO, JR.
6503 KARLSON DR. NE

ALBUQUERQUE, NM 87113

- 6) I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW
OF THE STATE OF NEW MEXICO THAT THE FOREGOING IS
TRUE AND CORRECT: DATE: 01/14/2020

PAUL G. CARRILLO, JR.

(TYPE OR PRINT NAME OF PERSON
WHO SERVED THE PAPERS)



PROOF OF SERVICE BY MAIL

MICHAEL J. NISSEN
P.O. #02508151
P.O. Box 3540
CIBOLA COUNTY CONCENTRATION CAMP
MILAN, NM 87021

ALBUQUERQUE
NM 87101
14 JAN 20
FM 3 L



CLERK OF THE
UNITED STATES DISTRICT COURT
333 LOMAS BLVD, NW
A RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
ALBUQUERQUE, NM 87102

JAN 15 2020

MITCHELL R. ELFERS
CLERK

87102-227470

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